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In re Application of
AIURA et al.
Serial No.: 09/341,339
PCT No.: PCT/JP98/04494
Int. Filing Date: 05 October 1998
Priority Date: 10 November 1997
Attorney's Docket No.: AK-284XX
For: METHOD AND APPARATUS FOR POLISHING
INNER SURFACE OF CYLINDRICAL PORTION OF
ELONGATED CYLINDRICAL WORK

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: DECISION ON PETITIONS
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: UNDER 37 CFR 1.137(b)
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: AND 37 CFR 1.182
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This is a decision on applicant's "Petition for Revive Unintentionally Abandoned application under 37 CFR 1.137(b)" and correction of applicant/inventor Aiura's first name, which is treated as a Petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office in 22 April 2002. This is also responsive to applicant's "Supplement to Petition for Revive Unintentionally Abandoned application under 37 CFR 1.137(b)" filed on 30 April 2002. The fee of \$1280 for the petition to revive was paid.

BACKGROUND

On 05 October 1998, applicant filed international application No. PCT/JP98/04494 which claimed priority of an earlier Japanese application filed 10 November 1997.

No Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 10 July 1999.

On 08 July 1999, within 20 months from the priority date of the international application, applicant filed a transmittal letter requesting entry into the U.S. national stage, which was accompanied by, *inter alia*, the basic national fee and English translation of the international application.

On 30 July 1999, a Notification of Missing Requirements (Form PCT/DO/EO/905) and Notification of Defective Oath or Declaration (Form PCT/DO/EO/917) was mailed to applicant indicating that an oath or declaration executed by the inventors in accordance with either 37 CFR 1.66 or 37 CFR 1.68 and the surcharge for filing the oath or declaration after the twenty month period was required.

On 30 August 1999, applicants filed a response to the Notification of Missing Requirements including a declaration executed by the inventors and accompanied by an explanation of the translation error in applicant/inventor Aiura's first name from the published

international application.

On 04 November 1999, a decision on applicant's request to correct the inventor's first name was dismissed on the grounds that applicant did not give an acceptable explanation of the difference in the spelling of the inventor's name. Applicant was required to provide an explanation as to why the inventor did not note the incorrect translation of his first name in the published international application.

On 22 April 2002, a petition to revive under 37 CFR 1.137 (b) was filed along with an explanation from inventor Tadashi Aiura regarding the translation error.

DISCUSSION

Petition Under 37 CFR 1.182

Applicant's explanation that "during the prosecution of the PCT in Japan, the documents are written in Japanese Miragana and Chinese characters" and that he did not notice the mis-translated spelling of his name until entering the national phase is accepted and noted for the record. The Request is **GRANTED**. No petition fee is required.

Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

The proper response is the explanation of the change in inventor's first name in the declaration. The required petition fee of \$1,240 has also been paid.

Applicant's statement that "the entire delay in filing the explanation for the name error from the due date of completing the application of November 11, 1999 until the filing of this petition was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

Applicant supplemented his petition to revive with a terminal disclaimer. The terminal disclaimer is not required in this application since it was filed after 08 June 1995.

Thus, the requirements of 37 CFR 1.137(b) have been satisfied. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

CONCLUSION

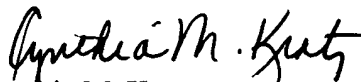
The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

The application is being forwarded to the US Designated/Elected Office for further

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The application is being forwarded to the US Designated/Elected Office for further processing as the national stage of PCT/JP98/04494, assigned U.S. serial number 09/341,339. The 35 U.S.C. 371(c) date is **30 August 1999**.

A handwritten signature in black ink, appearing to read "Cynthia M. Kratz". The signature is fluid and cursive, with the first name being the most prominent.

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